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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Irene Briseno,
10 Plaintiff,
11 v.
12 City of Tucson, et al.,
13 Defendants.
14

No. CV-22-00132-TUC-RCC

ORDER

15 The parties have submitted their joint report to the Court and have agreed upon
16 deadlines in this case. There are no substantive disputes to address in a Rule 16 Case
17 Management Conference.

18 Accordingly, **IT IS ORDERED** the **Case Management Conference**, currently
19 set for Tuesday, April 18, 2023 at 10:00 a.m. is **VACATED**.

20 **IT IS FURTHER ORDERED:**

21 A. **Initial disclosures** as defined under Federal Rule of Civil Procedure (“Fed.
22 R. Civ. P.” or “Federal Rule”) 26(a)(1) shall be exchanged on or before **Friday, May 19,**
23 **2023..** To satisfy the requirements of Fed. R. Civ. P. 26(a), the parties shall file a Notice
24 of Initial Disclosure with the Clerk of the Court.

25 B. Parties are given until Friday, August 25, 2023, for leave to move to **join**
26 **additional parties**. Parties are given until Friday, August 25, 2023, to move to **amend**
27 **pleadings**. Thereafter, the Court will entertain these motions only for good cause under
28 Fed. R. Civ. P. 16.

1 C. **Plaintiff** shall disclose the names of the **expert witnesses** and expert
2 reports to be used at trial pursuant to the provisions of Rule 26(a)(2) and (3) of the
3 Federal Rules, on or before Friday, January 26, 2024. **Defendant** shall have up to Friday,
4 February 16, 2024 to disclose **experts witnesses** and their reports. Both Parties shall
5 disclose **rebuttal experts** on or before Friday, March 08, 2024. **All other witnesses** shall
6 be disclosed on or before Friday, November 17, 2023.

7 D. Counsel shall submit to the Court a brief **Joint Settlement Status Report**
8 on or before Friday, July 14, 2023 and **every 90 days thereafter**.

9 E. All **discovery**, including answers to interrogatories, production of
10 documents, depositions, and requests for admissions, must be completed by Friday, April
11 19, 2024. To satisfy Rule 5.2 of the Rules of Practice of the U.S. District Court for the
12 District of Arizona (“Local Rules” or “LRCiv”), the parties shall file a Notice of Service
13 of Discovery with the Clerk of the Court.

14 Parties are directed to Local Rule 7.2(j), which prohibits filing discovery motions
15 unless parties have first met to resolve any discovery difficulties. If a discovery dispute
16 arises which cannot be resolved by the parties, the parties shall notify the Judge’s Law
17 Clerk by telephone at: (520) 205-4540. The Court will promptly resolve the problem by
18 scheduling a telephonic conference or by having the parties file motions with the required
19 certifying statement. Counsel must conduct discovery in a timely manner that permits all
20 discovery, *including the resolution of any discovery disputes*, before the discovery
21 deadline.

22 F. **Dispositive motions** shall be filed on or before Friday, June 07, 2024.
23 Pursuant to LRCiv 7.2, counsel may file a motion, response, and reply. No other
24 (supplemental) pleading will be considered, unless a motion to file said pleading is
25 granted by the Court. All pleadings submitted for the Court’s review and decision must
26 comply with the filing, time, and form requirements of the Local Rules. *See* LRCiv 12.1;
27 56.1. Additionally, any pleading which is submitted with more than one exhibit must be
28 accompanied by a Table of Contents. Exhibits must be indexed with tabs that correspond

1 with the Table of Contents. Absent exigent circumstances, the Court will not consider
2 pleadings which do not conform to these requirements.

3 G. Counsel shall file a proposed **Joint Pretrial Order** on or before Friday,
4 June 14, 2024, unless dispositive motions are filed. If dispositive motions are filed, the
5 Joint Pretrial Order shall be filed 30 days from the filing date of the Court's order on the
6 dispositive motions. See attached Proposed Joint Pretrial Order for the required content.

7 H. **Motions in limine** shall be filed no later than **two weeks after the filing of**
8 **the proposed Joint Pretrial Order**. Responses to motions in limine are due ten days
9 after the motion in limine is filed. No replies are permitted. Any hearing on motions in
10 limine will be set at the Pretrial Conference.

11 I. The **Pretrial Conference** will be set upon the filing of the proposed Pretrial
12 Order, and the Trial Date in this matter will be set at the Pretrial Conference.

13 J. Counsel cannot, without the Court's approval, extend the deadlines
14 imposed by the Court. All motions and requests for extension of time shall comply with
15 LRCiv 7.3. All motions and requests for extension of discovery deadlines must include a
16 summary of the discovery conducted to date, the anticipated discovery to be done if the
17 request is granted, and the reasons why discovery has not been completed within the
18 deadline.

19 K. All motions, responses, and replies must comply with LRCiv 7.2(e). All
20 requests for page extensions must be filed at least one week prior to the filing of the
21 substantive document, must note how many prior extensions have been requested in the
22 caption, and must state the position of all parties. Any page extension requests filed
23 within one week of the substantive document will be denied.

24 L. All motions that are non-dispositive must have a proposed order attached in
25 accordance with LRCiv 7.1(b)(2)–(3). A copy of the motion must be emailed in
26 Microsoft Word (.doc) format to Chambers at: collins_chambers@azd.uscourts.gov, in
27 accordance with the Electronic Administrative Policies and Procedures Manual § II(G).

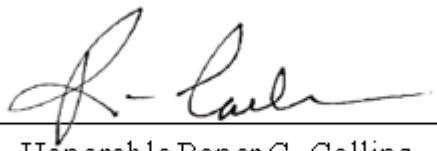
28 M. The parties shall provide to the Court a **bound hard copy** of any filing that

1 is more than ten (10) pages in length, motions to dismiss, motions for summary
2 judgment, motions for temporary restraining orders, sealed documents, and any
3 responses and replies thereto. This applies to all attachments, appendices, and indices
4 that are included with a motion filed with the Court. If the hard copy contains multiple
5 documents, each document shall be individually tabbed. **Hard copies must be printed**
6 **directly from ECF** to ensure that the ECF pagination is included in the Court's copy for
7 ease of reference. *See* Electronic Administrative Policies and Procedures Manual §
8 II(D)(3).

9 N. Parties are specifically advised that pursuant to LRCiv 7.2(i), "[i]f a motion
10 does not conform in all substantial respects with the requirements of this Local Rule, or if
11 the unrepresented party or counsel does not serve and file the required answering
12 memoranda, or if the unrepresented party or counsel fails to appear at the time and place
13 assigned for oral argument, **such non-compliance may be deemed a consent to the**
14 **denial or granting of the motion and the Court may dispose of the motion**
15 **summarily.**" In addition, willful failure to comply with any of the terms of this order
16 may result in dismissal of this action without further notice to the plaintiff, or sanctions
17 upon the offending party. Fed. R. Civ. P. 16(f)(1)(C) & 37(b)(2).

18 Dated this 13th day of April, 2023.

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Honorable Raner C. Collins
Senior United States District Judge

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

,	No. CV-XXX-XXXXX-TUC-RCC
Plaintiff,	[Proposed Joint Pretrial Order]
v.	
,	
Defendant.	

Pursuant to the Scheduling Order previously entered, the following Proposed Joint Pretrial Order reflects the agreement of the parties and shall, upon approval of the Court, be incorporated into the Final Pretrial Order:

I. IDENTIFICATION OF PARTIES AND COUNSEL

II. NATURE OF ACTION

Provide a concise statement of the type of case, including the cause of action and the relief sought.

III. STATEMENT OF JURISDICTION

State the claims and cite the statutes which give this Court jurisdiction over each claim.

IV. CONTENTIONS OF THE PARTIES

With respect to each count of the complaint, counterclaim or cross-claim, and to any defense, affirmative defense, or the rebuttal or a presumption where the burden of proof has shifted, the party having the burden of proof shall list the elements or standards that must be proven in order for the party to prevail on that

1 claim or defense.

2 **V. STIPULATIONS AND UNCONTESTED FACTS**

3 Identify any stipulations reached between the parties and any facts that are
4 uncontested.

5 **VI. CONTESTED ISSUES OF FACT**

6 List issues of fact to be tried and determined upon trial. Each issue of fact must be
7 stated separately and in specific terms, followed by the parties' contentions as to
8 each issue. E.g.:

9 Issue:

10 Plaintiff(s) contends:

11 Defendant(s) contends:

12 **VII. CONTESTED ISSUES OF LAW**

13 The following are issues of law to be tried and determined upon trial. Each issue
14 of law must be stated concisely, separately and in specific terms, followed by the
15 parties' contentions as to each issue. E.g.:

16 Issue:

17 Plaintiff(s) contends:

18 Defendant(s) contends:

19 **VIII. LIST OF WITNESSES**

20 Each party shall provide a list of witnesses intended to be called at trial. As to each
21 witness, identify whether he or she is a fact or expert witness and include a brief
22 statement of the expected testimony of any expert witness.

23
24 The parties shall include the following text in this section of the Proposed Final
25 Pretrial Order: "Each party understands that it is responsible for ensuring that the
26 witnesses it wishes to call to testify are subpoenaed. Each party further understands
27 that any witness a party wishes to call shall be listed on that party's list of witnesses;
28 the party cannot rely on the witness having been listed or subpoenaed by another

1 party.”

2 **IX. LIST OF EXHIBITS**

3 Each party shall provide a list of numbered exhibits. As to each exhibit, the party
4 shall include a description containing sufficient information to identify and
5 distinguish the exhibit. Further, a statement of either UNCONTESTED or
6 CONTESTED shall follow each listed exhibit. If contested, a brief statement of
7 the objection by the opposing party shall also follow the listed exhibit. Exhibits
8 shall be marked according to the instructions received from the Court (which
9 shall be provided approximately two weeks prior to trial).

10 (e.g. – 1. Laboratory Report from the Clinical Immunology Diagnostic Laboratory
11 dated 6/15/14. CONTESTED by *** for relevance, foundation, hearsay, etc.)
12

13 The parties shall include the following text in this section of the Proposed Final
14 Pretrial Order: “Each party hereby acknowledges by signing this joint Proposed
15 Final Pretrial Order that any objections not specifically raised herein are waived.”

16 **X. LIST OF DEPOSITIONS**

17 Portions of depositions that will be read at trial must be listed by the party
18 intending to introduce the same and must include the page and line number(s). A
19 statement of either UNCONTESTED or CONTESTED shall follow every
20 identified portion of each listed deposition. If contested, a brief statement of the
21 objection by the opposing party shall follow the listed portion of the deposition to
22 be offered.
23

24 The parties shall include the following text in this section of the joint Proposed
25 Final Pretrial Order: “Each party hereby acknowledges by signing this joint
26 Proposed Final Pretrial Order that any deposition not listed as provided herein will
27 not be permitted at trial absent good cause.”
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1 **XI. JURY TRIAL or BENCH TRIAL**

2 A. For a Jury Trial

3 Trial briefs (only upon request of the Court), proposed voir dire, deposition
4 testimony, objections to exhibits and depositions, stipulations, interrogatories to
5 the jury, and stipulated jury instructions shall be filed thirty (30) days prior to trial
6 unless otherwise directed by the Court. Jury instructions which are not agreed
7 upon, together with a concise argument in support of the instruction, shall be filed
8 with the Court and served upon each party at least thirty (30) days before trial.
9 Objections to the non-agreed upon jury instructions shall be filed with the Court
10 and served upon each party fourteen (14) days thereafter. No replies shall be
11 permitted without prior approval from the Court. All proposed jury instructions
12 shall conform with Local Rule 51. Motions in limine shall be filed no later than
13 thirty (30) days before trial. Any opposition shall be filed and served fourteen
14 (14) days thereafter. No replies shall be permitted without prior approval from the
15 Court.

16 B. For a Bench Trial

17 Trial briefs (only upon request of the Court), objections to exhibits, objections to
18 deposition testimony, motions in limine, and stipulations shall be filed and served
19 at least thirty (30) days prior to trial. Proposed findings of facts and conclusions
20 of law (only upon request of the Court) shall be filed fourteen (14) days prior to
21 trial, or as otherwise directed by the Court.

22 **XII. PROBABLE LENGTH OF TRIAL**

23 Each party shall identify the estimated length of time it will take to present its
24 case.

25 **XIII. ADDITIONAL INFORMATION THAT MAY BE HELPFUL TO THE**
26 **COURT**

27 A. Pending Motions: Identify all motions that remain pending on the docket as
28 of the date of this Joint Proposed Pretrial Order.

1 B. Any other information that may be helpful to the Court.

2 **XIV. INFORMATION FOR COURT REPORTER**

3 In order to facilitate the creation of an accurate record, please file a "Notice to Court
4 Reporter" **one week before trial** containing the following information that may be
5 used at trial:

- 6 1. Proper names, including those of witnesses;
- 7 2. Acronyms;
- 8 3. Geographic locations;
- 9 4. Technical (including medical) terms, names or jargon;
- 10 5. Case names and citations; and
- 11 6. Pronunciation of unusual or difficult words or names.

12 In addition, please send (or transmit electronically) to the court reporter a copy of
13 the concordance from key depositions.

14 **XV. CERTIFICATION**

15 Undersigned counsel for each of the parties in this action do hereby approve and
16 certify:

- 17 1. All discovery has been completed.
- 18 2. The identity of each witness has been disclosed to opposing counsel.
- 19 3. Each exhibit listed herein: (a) is in existence; (b) is numbered; and (c) has
20 been disclosed and shown to opposing counsel.
- 21 4. All other form and content of this proposed Joint Pretrial Order.

22 **XVI. ADOPTION**

23 The Court may adopt this proposed Joint Pretrial Order at the Pretrial Conference
24 or at a subsequent hearing.

25
26 _____
27 Attorney for Plaintiff

26 _____
27 Attorney for Defendant